

NO. 05-19-00607-CV

PETER BEASLEY,

Appellant,

v.

SOCIETY OF INFORMATION
MANAGEMENT, ET. AL,

Appellees.

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IN THE 5th DISTRICT

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS

9/11/2019 8:33:01 PM

COURT OF APPEALS
LISA MATZ
Clerk

DALLAS, TEXAS

Appellant's Motion for Rehearing

TO THE HONORABLE JUSTICES OF SAID COURT

COMES NOW, Appellant, Peter Beasley, who files Appellant's Motion for Rehearing, and states the following:

1. September 11, 2019, this court denied Beasley's motion for temporary orders. Exhibit A.
2. The opinion incorrectly states,

"This appeal challenges both the order dismissing the suit and the order declaring appellant vexatious."
3. The court has inadvertently made a mistake, as this particular appeal is of a December 11, 2018, "Prefiling Order". See, Amended Notice of Appeal, Exhibit B, and Letter from Clerk, Exhibit C.
4. Nothing in the Notice of Appeal or the letter from this court describe an appeal from the June 11, 2019, order dismissing the suit.

5. The Issues in Appellant's July 10, 2019, 1st Amended Brief (below) are also limited to the December 11, 2018, Prefiling Order.

1. May a Prefiling Order stand against a litigant when defendants provided insufficient evidence to declare anyone a vexatious litigant, and when their motion was filed too late?
2. Must properly filed Rule 12 challenges and motions to disqualify counsel be allowed at some time during the proceedings, and should those contests be heard promptly?
3. Does this expansive record, including an admission from another judge, support a rare determination that the trial judge was disqualified under the Due Process Clause of the U.S. Constitution from entering the Prefiling Order?

Wherefore, Appellant seeks a rehearing to correct the facts.

Respectfully submitted,
/s/ Peter Beasley
Peter Beasley
P.O. Box 831359
Richardson, Texas 75083
972-365-1170

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of September 2019, a true copy of the foregoing instrument was served on opposing counsel through the court's electronic filing system.

/s/ Peter Beasley
Peter Beasley

Order entered September 11, 2019



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-19-00607-CV

PETER BEASLEY, Appellant

V.

**SOCIETY OF INFORMATION MANAGEMENT, DALLAS AREA CHAPTER;
JANIS O'BRYAN; AND NELLSON BURNS, Appellees**

**On Appeal from the 191st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-18-05278**

ORDER

Before Chief Justice Burns, Justice Molberg, and Justice Nowell

The underlying suit in this appeal was filed by appellant. On appellees' motion, the trial court declared appellant vexatious pursuant to chapter 11 of the Texas Civil Practice and Remedies Code, ordered him to post bond in the amount of \$422,064 as security to continue the suit, and required him to obtain permission from the appropriate local administrative judge prior to filing any new suits. *See* TEX. CIV. PRAC. & REM. CODE ANN. §§ 11.051, 11.055, 11.101. Appellant failed to post the bond, and the suit was dismissed. *See id.* § 11.056. This appeal challenges both the order dismissing the suit and the order declaring appellant vexatious.

Asserting the trial court impermissibly denied him hearings on his motion for new trial and motion challenging defense counsel's authority to defend against the suit, appellant has filed

an opposed first amended motion for emergency temporary orders. Specifically, he asks the Court to direct the trial court to “not interfere with [him] obtaining [] hearing[s].” And, because the trial court’s plenary power will soon expire, he also asks we extend the plenary power.¹

Civil practice and remedies code section 11.052 provides that, on the filing of a motion for an order declaring a plaintiff vexatious, “the litigation is stayed.” *See id.* § 11.052. If the motion is granted, the stay remains in effect unless and until appellant posts security. *Drum v. Calhoun*, 299 S.W.3d 360, 369 (Tex. App.—Dallas 2009, pet. denied).

Because appellant failed to post the bond, the stay remains in place. Accordingly, we **DENY** the motion.

Appellant’s motion to recuse Justices Lana Myers and Ada Brown remains pending.

/s/ KEN MOLBERG
JUSTICE

¹ Appellant has a third request, that we direct the trial court “to not interfere with [him] filing court documents in support of this appeal,” but he acknowledges both the Clerk of this Court and the trial court clerk have accepted his filings.

No. 05-19-00607-CV

PETER BEASLEY,

Appellant,

v.

SOCIETY FOR INFORMATION
MANAGEMENT, ET. AL,

Appellees.

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IN THE 5th DISTRICT COURT

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS

COURT REPORTERS

LISA MATZ
Clerk

DALLAS, TEXAS

APPELLANT'S AMENDED NOTICE OF APPEAL

TO THE HONORABLE JUSTICES OF SAID COURT:

Appellant hereby provides the court with the Amended Notice of Partial
Appeal filed in the trial court, July 16, 2019

Respectfully submitted,
/s/Peter Beasley
Peter Beasley, pro se
P.O. Box 831359
Richardson, TX 75083-1359
(972) 365-1170
pbeasley@netwatchsolutions.com

Certificate of Service

I hereby certify that on the 17th day of July 2019, a true copy of the foregoing instrument was served on opposing counsel for the Appellee by electronic means and the electronic transmissions were reported as complete.

/s/Peter Beasley
Peter Beasley

Shelia Bradley

CAUSE NO. DC-18-05278

PETER BEASLEY	§	IN THE 191 ST JUDICIAL
	§	
<i>Plaintiff</i>	§	
	§	
v.	§	DISTRICT COURT OF
	§	
SOCIETY OF INFORMATION	§	
MANAGEMENT, DALLAS AREA	§	
CHAPTER; JANIS O'BRYAN; and	§	
NELLSON BURNS	§	
	§	
<i>Defendants</i>	§	DALLAS COUNTY, TEXAS

AMENDED NOTICE OF PARTIAL APPEAL

The Clerk of the 5th District Court of Appeals has directed Plaintiff / Appellant Peter Beasley to file this amended notice of appeal by July 25, 2019, for pending appeal **05-19-00607-CV**. Exhibit A.

Plaintiff/Appellant Peter Beasley, desires to appeal from the December 11, 2018, order, it being one of two final orders entered in this lawsuit. Sections of that order, namely the condition that Plaintiff be prohibited from filing any new lawsuits *pro se* without permission – a.k.a. “the Prefiling Order”, was immediately appealable. Tex. Civ. Prac. & Rem. Code 11.053(c). With an abundance of caution, Plaintiff has pursued pending appeals of that order by *mandamus*, 05-19-00422-CV, and by interlocutory appeal, 05-19-00607-CV.

The second final order was entered June 11, 2019, where the two combined orders dispose of all the issues between the parties. The second order does not incorporate the first.

A timely motion for new trial was filed July 11, 2019, and a timely request for Findings of Fact and Conclusions of Law was filed June 12, 2019. While the two referenced orders are final, Plaintiff reserves his right to seek a new trial on the items which were not subject to an immediate appeal, which the trial court has jurisdiction to do until September 9, 2019.

1. The appeal is taken from the 191st Judicial District Court of Dallas, County; court number DC-18-05278; styled *Beasley v. Society of Information Management, et. al.*

2. The date of the judgment is December 11, 2018.

3. The appeal is taken to 5th District Court of Appeals, Dallas, Texas, 05-19-00607-CV. The clerk's record, the reporter's record, and Appellants brief has been filed.

4. Plaintiff is currently listed on the Texas Office of Court Administration's website as a vexatious litigant, *without appellate review*.

5. This is an accelerated appeal which IS NOT a parental termination or child protection case.

Respectfully submitted,

PETER BEASLEY

/s/ Peter Beasley

Peter Beasley, pro se

pbeasley@netwatchsolutions.com

P.O. Box 831359

Richardson, TX 75083-1359

(972) 365-1170

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this pleading has been served upon all counsel listed below via e-service on July 16, 2019:

Daena G. Ramsey
Andrew S. Gardner
2000 E. Lamar Blvd., Suite 430
Arlington, TX 76006
agardner@vrlaw.net
dramsey@vrlaw.net

Robert A. Bragalone
Sona J. Garcia
Gordon & Rees
2200 Ross Avenue, Suite 4100 West
Dallas, Texas 75201-2708
BBragalone@grsm.com
SJGarcia@grsm.com

Peter Vogel
Foley Gardere
Foley & Lardner, L.L.P.
2021 McKinney Ave., Suite 1600
Dallas, Texas 75201
PVogel@Foley.com

/s/ Peter Beasley
Peter Beasley

CHIEF JUSTICE
ROBERT D. BURNS, III

JUSTICES
DAVID BRIDGES
LANA MYERS
ADA BROWN
BILL WHITEHILL
DAVID J. SCHENCK
KEN MOLBERG
LESLIE OSBORNE
ROBBIE PARTIDA-KIPNESS
BILL PEDERSEN, III
AMANDA L. REICHEK
ERIN A. NOWELL
CORY L. CARLYLE



**Court of Appeals
Fifth District of Texas at Dallas**

600 COMMERCE STREET, SUITE 200
DALLAS, TEXAS 75202
(214) 712-3400

LISA MATZ
CLERK OF THE COURT
(214) 712-3450
theclerk@5th.txcourts.gov

GAYLE HUMPA
BUSINESS ADMINISTRATOR
(214) 712-3434
gayle.humpa@5th.txcourts.gov

FACSIMILE
(214) 745-1083

INTERNET
WWW.TXCOURTS.GOV/5THCOA.ASPX

July 15, 2019

Mr. Peter Beasley
P.O. Box 831359
Richardson, Texas 75083-1359

Mr. Robert Bragalone
Gordon & Rees
220 Ross Avenue, Suite 4100 West
Dallas, Texas 75201

RE: Court of Appeals Number 05-19-00607-CV; Trial Court Case Number DC-18-05278

Style: Peter Beasley v. Society of Information Management, Dallas Area Chapter; Janis O'Bryan and Nellson Burns

Dear Sirs:

This appeal from the trial court's interlocutory order declaring appellant vexatious and requiring him to obtain permission from the appropriate local administrative judge prior to filing any new lawsuits pro se was filed as an accelerated appeal. However, since the filing, the trial court has signed a final judgment. Accordingly, appellant is directed to file, no later than July 25, 2019, an amended notice of appeal that reflects a final judgment has been signed and the date the judgment was signed.

Until the amended notice of appeal is filed, the Court will take no action on appellees' pending motion for extension of time to file their brief. The Court will set a new deadline for appellees' brief upon the filing of the amended notice of appeal.

Respectfully,

/s/ Lisa Matz, Clerk of the Court

ltr/lp

cc: Peter S. Vogel
Sona J. Garcia